

**REGULAR MEETING**  
**September 14, 1998**

The Regular Meeting of the Annapolis City Council was held on September 14, 1998 in the Council Chamber. Dustin George rang the bell to denote the 7:30 p.m. start time for the meeting. Mayor Johnson called the meeting to order at 7:34 p.m.

Present on Roll Call: Mayor Johnson, Aldermen Hammond, Tolliver, Gilmer, Sachs, McMillan, Carter, Fox, Moyer

Staff Present: City Attorney Goetzke, Finance Director Sulick, Fire Chief Sherlock, Planning and Zoning Director Arason, Public Works Director Patmore, Central Services Officer/Acting Personnel Director Harrison and Acting Parking and Transportation Director Matland

*Pursuant to the requirement of Maryland Annotated Code, State Government Article Section 10-509(c)(2), this statement is included in these minutes:*

*A closed session of the City Council was held at 7:03 p.m., Monday, September 14, 1998 in the City Council Chamber.*

*Present: Mayor Johnson, Aldermen Hammond, Tolliver, Gilmer, Sachs, McMillan, Carter, Fox, Moyer, City Attorney Goetzke, Kimla T. Milburn and City Clerk Bembe.*

*By unanimous consent of the members present, the session was closed. The authority under which the session was closed was Maryland Annotated Code, State Government Article, Section 10-508(a)(1)(i). The purpose of the meeting was the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction. The following action was taken:*

*(1) Confirmation of appointment of Personnel Director*

*Alderman Sachs moved to confirm the Mayor's appointment of Kimla T. Milburn as Personnel Director effective October 5, 1998 at a salary of \$56,251.34 per annum; grade C35, Step 8. Seconded. CARRIED on voice vote.*

Alderman Gilmer gave a brief statement and apology regarding remarks made at the Martin Luther King, Jr. celebration.

Alderman Hammond moved to approve the Minutes of July 13, 1998 and July 27, 1998. Seconded. CARRIED on voice vote.

Mayor Johnson presented Ron George with a Distinguished Business Certificate.

Mayor Johnson and Acting Personnel Director Harrison recognized the following employees:

Dale A. Crutchley	Fire Department	20 years of service
James C. Doran	Police Department	20 years of service
M. Paul Gibbs	Police Department	20 years of service
Eugene E. Griffith	Parking & Transportation	20 years of service
Linda K. Habercam	Office of Law	20 years of service
Darryle C. Hall	Police Department	20 years of service
Frederick Kramer	Recreation Department	20 years of service
David M. Rowe	Fire Department	20 years of service

Thomas Vodak	Public Works	20 years of service
David O. Colburn, Jr.	Fire Department	25 years of service
Joseph H. Gruver	Police Department	25 years of service
Zora B. Lykken	Police Department	25 years of service
Willie M. Sampson	Fire Department	25 years of service
Tyler W. Steed	Fire Department	25 years of service
Herbert C. Trott	Police Department	30 years of service

Mayor Johnson and Captain Barbara J. Hopkins, Annapolis Police Department, presented a Citizen’s Citation of Merit to Mr. and Mrs. Gerald A. Lloyd.

**PETITIONS, REPORTS AND COMMUNICATIONS**

- 1. Minor Carter, President,  
Ward One Residents Association

Gave a community report.

Lieutenant Robert Thomas, Annapolis Fire Department, was sworn in by Mayor Johnson.

Mayor Johnson announced the appointment of Kimla T. Milburn as the new Personnel Director for the City of Annapolis.

**PETITIONS, REPORTS AND COMMUNICATIONS**  
(Continued)

- 2. Representatives from the Maritime Republic of Eastport

Issued an official Tug-of-War Challenge across the Spa Creek to the City of Annapolis to be held on November 14, 1998.

- 3. Louise Beauregard  
Christian Services, USA  
2 Maryland Avenue  
Annapolis, Md 21401

Spoke regarding social services.

- 4. Ricardo Paradiso  
10 Bricin Street  
Annapolis, Md 21403

Spoke in support of CA-5-98 and O-48-98.

- 5. Arthur Kungle, Jr.  
PO Box 365  
Annapolis, MD 21404

Presented a petition to encourage the amendment of the Maryland Declaration of Rights.

- 6. Peggy Moore, representing  
Spa Cove Apartments  
1002 Primrose Road, #203  
Annapolis, MD 21403

Presented a petition and spoke in favor of O-46-98.

There being no voiced objection, the order of the Agenda was amended.

## **RESOLUTIONS**

**R-20-98** For the purpose of providing written consent by the City of Annapolis to the proposed assignment to Rod Ilagan, President, trading as Chutney's Quality Foods, Inc., by Thomas Gannon and Judith Gannon of its lease with the City of Annapolis for certain space in the Markethouse as required by said lease; and all matters relating to said assignment of lease.

Referred to the Economic Matters Committee.

The regular order of the Agenda was resumed.

## **SPECIAL ORDER OF BUSINESS**

Alderman Moyer moved to withdraw the following legislation:

- CA-4-98** For the purpose of amending the Charter of the City of Annapolis to reorganize various departments; to create the Office of the City Administrator; to eliminate the Central Services Department; to reassign certain duties and responsibilities within and among departments and personnel; to alter the names of certain other departments and department directors; and all matters generally related to a reorganization of certain departments and personnel of the City of Annapolis.
- O-28-98** For the purpose of establishing the Office of the City Administrator; transferring the City Attorney and City Clerk to the Office of the City Administrator; and all matters relating to said Office of the City Administrator.
- O-29-98** For the purpose of revising the list of positions in the exempt service; deleting certain positions; renaming certain positions; and all matters relating to said exempt service.
- O-30-98** For the purpose of renaming the Personnel Department to Human Resources Department; and all matters relating to said department.
- O-31-98** For the purpose of correcting the names of certain members of the Risk Management Committee; and all matters relating to said membership.
- O-32-98** For the purpose of eliminating the Department of Central Services; reassigning certain duties and responsibilities pertaining to purchasing and procurement; reassigning certain duties and responsibilities pertaining to the management of the markethouse; and all matters relating to said Department and responsibilities.
- O-33-98** For the purpose of changing the name of the Department of Parking and Transportation to the Department of Transportation; removing certain references to the Department of Public Transportation; transferring certain duties and responsibilities to the Police Department; and all matters relating to said Departments.
- O-34-98** For the purpose of changing the name of the Planning and Zoning Department to Community Development and Planning Department; transferring certain duties and responsibilities from the Services and Facilities Department (formerly the Department of Public Works) to the Community

Development and Planning Department; removing certain incorrect references to the City Clerk; directing the publishers of the Annapolis City Code to review Title 21 and correct all references to the Planning and Zoning Department and Director and change those terms to “Community Development and Planning” and “Community Development and Planning Director”; and all matters relating to said departments.

- O-35-98** For the purpose of changing the name of the Public Works Department to Facilities and Services Department; revising and transferring certain duties; combining certain duties with the Community Development and Planning Department (formerly the Planning and Zoning Department); removing certain incorrect references to the duties of the city clerk; and all matters relating to said department.

Seconded. CARRIED on voice vote.

## LEGISLATIVE ACTION

### CHARTER AMENDMENTS

- CA-3-98** For the purpose of amending the Charter of the City of Annapolis to authorize the Board of Supervisors of Elections to reschedule an election under certain circumstances.

Alderman Hammond moved to adopt CA-3-98 on second reading. Seconded.

The Rules and City Government Committee gave a favorable recommendation.

A ROLL CALL vote was taken on the main motion:

YEAS: Mayor Johnson, Aldermen Hammond, Tolliver, Gilmer, Sachs,  
McMillan, Carter, Fox, Moyer  
CARRIED: 9 - 0

Alderman Sachs moved to adopt CA-3-98 on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Johnson, Aldermen Hammond, Tolliver, Gilmer, Sachs,  
McMillan, Carter, Fox, Moyer  
CARRIED: 9 - 0

- CA-5-98** For the purpose of repealing in its entirety Article X, Annapolis Revenue Authority; and all matters relating to said Annapolis Revenue Authority.

Alderman Hammond moved to adopt CA-5-98 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee and Rules and City Government Committee.

### ORDINANCES

- O-12-98** For the purpose of establishing that the fine for violation of a municipal infraction shall be consistent with the Annotated Code of Maryland; and all matters relating to said fine.

Alderman Sachs moved to adopt O-12-98 on second reading. Seconded.

The Rules and City Government Committee reported favorably with amendments on O-12-98.

Alderman McMillan moved to amend O-12-98 as follows:

**Amendment No. 1**

On Page 1, line 35 immediately following “infractions” strike beginning with “and” through and including “set” and substitute “and shall adopt a schedule of fines for infractions, or for such infractions”.

Seconded.

Alderman McMillan moved to amend the Rules and City Government Committee amendment No. 1 as follows:

Substitute “set” for “adopt a schedule of”.

Seconded. CARRIED on voice vote.

The main motion as amended by Alderman McMillan CARRIED on voice vote.

The main motion to adopt O-12-98 as amended on second reading CARRIED on voice.

Alderman Tolliver moved to adopt O-12-98 as amended on third reading. Seconded. CARRIED on voice vote.

**O-15-98      For the purpose of simplifying the voter identification process and enhancing the integrity of our elections; and all matters relating to said voter identification process.**

Alderman Hammond moved to adopt O-15-98 on second reading. Seconded.

The Rules and City Government Committee reported favorably with amendments on O-15-98.

Alderman Hammond moved to amend O-15-98 as follows:

**Amendment No. 1:**

On Page 2:

- (A) on line 13, immediately following “valid” strike “Maryland driver’s license or Maryland identification” and substitute “Anne Arundel County voter notification”;
- (B) on line 17, immediately following “applicant’s” strike “Maryland driver’s license or identification” and substitute “voter notification”;
- (C) on line 18, immediately following the period add the following:

“If the applicant does not have a voter notification card, the judge shall accept any other form of valid identification device issued by the city, county, state, or federal government. These types of identification devices would include driver’s licenses, government issued identification cards, and social security cards.”

Seconded.

Alderman McMillan moved to amend the Rules and City Government Committee amendment No. 1 as follows:

On Page 2:

- (A) on line 12, immediately following “at any” insert “city”;
- (B) on line 18, immediately following the Rules Committee Amendment No. 1 (c) add the following:

“If the applicant does not have a voter notification card, the judge shall accept any other form of valid identification device issued by the city, county, state, or federal government. These types of identification devices would include driver’s licenses, government issued identification cards, and social security cards. If an applicant is unable to produce a valid identification device, he or she shall sign a statement under oath in a form approved by the city board of supervisors of elections, separate and distinct from the voting authority card, swearing or affirming that he or she is the person identified on the voting authority card. This form shall also make provision for those unable to sign due to physical disability. The statement shall be retained and submitted with the voting authority card, and the person will be allowed to vote without undue delay. Falsely swearing or affirming such statement under oath constitutes a violation of state law and city laws. The penalty for such violations shall be distinctly set forth on the face of the statement.”

- (C) on line 23, immediately following the period add the following:

“If the entry “cannot sign” appears on the registration card and the applicant is entitled to vote, the judge having charge of the precinct register shall approve the voting authority card and write the judge’s initials on the card.”

Seconded. CARRIED on voice vote.

The main motion as amended by Alderman McMillan CARRIED on voice vote.

The main motion to adopt O-15-98 as amended on second reading CARRIED on voice.

Alderman Fox moved to adopt O-15-98 as amended on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Johnson, Aldermen Hammond, Gilmer, Sachs, McMillan, Carter, Fox  
NAYS: Aldermen Tolliver, Moyer  
CARRIED: 7 - 2

**O-16-98 For the purpose of increasing the membership of the Maritime Advisory Board from nine to eleven members; and all matters relating to said Board.**

Alderman Hammond moved to adopt O-16-98 on second reading. Seconded.

The Rules and City Government Committee reported unfavorably on O-15-98.

A ROLL CALL vote was taken:

YEAS: Mayor Johnson, Aldermen Gilmer, Sachs, Carter, Fox, Moyer  
NAYS: Aldermen Hammond, Tolliver, McMillan

CARRIED: 6 - 3

Alderman Moyer moved to adopt O-16-98 on third reading. Seconded. CARRIED on voice vote.

**O-19-98 For the purpose of increasing the membership of the Recreation Advisory Board from nine to eleven members; and all matters relating to said membership.**

Alderman Moyer moved to adopt O-19-98 on second reading. Seconded.

The Rules and City Government Committee reported unfavorably on O-19-98.

A ROLL CALL vote was taken:

YEAS: Mayor Johnson, Aldermen Gilmer, Carter, Fox, Moyer  
NAYS: Aldermen Hammond, Tolliver, Sachs, McMillan  
CARRIED: 5 - 4

Alderman Moyer moved to adopt O-19-98 on third reading. Seconded. CARRIED on voice vote.

**O-26-98 For the purpose of authorizing the Board of Supervisors of Elections to reschedule an election under certain circumstances; and all matters relating to said Board.**

Alderman Gilmer moved to adopt O-26-98 on second reading. Seconded.

The Rules and City Government Committee reported favorably with amendments on O-26-98.

Alderman Hammond moved to amend O-26-98 as follows:

Amendment No. 1:

On Page 1, line 41, immediately following the period, add the following:

"The board shall notify the public of any change in the election schedule. In the case of severe weather, the board must act prior to the opening of the polls."

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

Alderman Sachs moved to adopt O-26-98 as amended on third reading. Seconded. CARRIED on voice vote.

**O-41-98 For the purpose of changing the designated day for the observation of the birthday of Dr. Martin Luther King, Jr. as set forth in the Annapolis City Code to comply with the federal observance of said holiday; and all matters relating to said holiday.**

Alderman Gilmer moved to adopt O-41-98 on second reading. Seconded.

The Rules and City Government Committee reported favorably on O-41-98.

The main motion CARRIED on voice vote.

Alderman Sachs moved to adopt O-41-98 on third reading. Seconded. CARRIED on voice vote.

**O-42-98 For the purpose of amending the configuration of the Annapolis harbor line outboard of Annapolis Landing Marina, 980 Awald Road, on Back Creek; and all matters relating to said harbor line.**

Alderman Hammond moved to adopt O-42-98 on first reading. Seconded. CARRIED on voice vote.

Referred to the Environmental Matters Committee and the Port Wardens.

**O-44-98 For the purpose of establishing that members of committees, commissions, boards and authorities may be removed under circumstances; requiring that all boards, commissions and committees shall elect a chair and vice chair from among its membership; establishing that a board, commission or committee may adopt bylaws and rules; requiring all boards, commissions, and committees to file an annual report; and all matters relating to said boards, commissions and committees.**

Alderman Hammond moved to adopt O-44-98 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

**O-46-98 For the purpose of defining pit bull terrier dogs; providing for the licensing of said dogs; providing for the penalties for violation; providing exceptions; and all matters relating to said dogs.**

Alderman Hammond moved to adopt O-46-98 on first reading. Seconded. CARRIED on voice vote.

Referred to the Housing and Human Welfare Committee and Public Safety Committee.

**O-48-98 For the purpose of requiring all members of the Historic Preservation Commission to be City residents; establishing that the terms shall be staggered; and all matters relating to said Historic Preservation Commission.**

Alderman Hammond moved to adopt O-48-98 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee, Planning Commission and Historic Preservation Commission.

**O-49-98 For the purpose of correcting certain inaccurate statutory references in Section 3.36.020; and all matters relating to said corrections.**

Alderman Hammond moved to adopt O-49-98 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

**O-50-98 For the purpose of amending the configuration of the Annapolis harbor line on Back Creek outboard of property owned by Port Annapolis Marina, Inc., located at 7074 Bembe Beach Road, and outboard of City**

**property adjacent thereto (the location of the City’s Back Creek Nature Park); and all matters relating to said harbor line.**

Alderman Sachs moved to adopt O-50-98 on first reading. Seconded. CARRIED on voice vote.

Referred to the Environmental Matters Committee and the Port Wardens.

**O-51-98      For the purpose of establishing that the Self Insurance Fund may be used to secure the liability of the City’s Emergency Medical Services Director for the defense and payment of certain liability claims under certain conditions; and matters relating to said Self Insurance Fund.**

Alderman Hammond moved to adopt O-51-98 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee and Rules and City Government Committee.

**RESOLUTIONS**

**R-21-98      For the purpose of granting an encroachment by Port Annapolis Marina, Inc. into the setback and across the lateral line shared by Port Annapolis Marina, Inc. and the City of Annapolis on Back Creek at Bembe Beach Road; and all matters relating to said lateral line.**

Referred to the Environmental Matters Committee and Maritime Advisory Board.

**BUSINESS AND MISCELLANEOUS**

**1.      Finance Committee Recommendations for Action dated August 27, 1998.**

Alderman Sachs moved to approve the Finance Committee Recommendations for Action dated August 27, 1998. Seconded. CARRIED on voice vote.

**2.      Payment of Monthly Bills**

Alderman Sachs moved to pay the monthly bills. Seconded. CARRIED on voice vote.

**3.      Appointments**

Alderman Gilmer moved to approve the Mayor’s appointments/reappointments of the following individuals as set forth in Memoranda dated August 5, August 6 and August 27, 1998:

<b>Alcoholic Beverage Control Board</b>	Joseph J. Ball
<b>Annapolis Conservancy Board</b>	Eleanor M. Harris Steven R. Raabe
<b>Civil Service Board</b>	Velma McCullough
<b>Environmental Commission</b>	David T. Phipps Roger K. Ramsay

Robert A. Haberlein

**Human Relations Commission**

Angelita M. Millan  
DeLorma Goodwyn  
Tanya D. Callahan  
Leona M. Hirtle  
Doris Y. Davenport

**Plumbing Inspectors**

Roy E. Robertson

**Public Safety Disability Retirement Board**

Karl A. Phillips

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 9:25 p.m.

**Patricia L. Bembe, CMC/AAE,  
City Clerk**